IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.57 OF 2007

The State of Maharashtra and anr. ...Appellants

vs.

Balu @ Krishna D. Bagade ...Respondent

Mr.A.R.Patil,A.G.P. for State
Mr.R.S.Apte for the Respondent Nos.1 and 4.

CORAM: A.S.OKA,J.
DATE : JANUARY 22,2007.

P.C.:

1. Heard learned A.G.P. for the appellant. The challenge in this appeal is to the Judgment and Award dated 10th November 1992 passed by the learned Member of the Motor Accident Claims Tribunal,Nashik. The first Respondent filed a Claim Petition under section 110-A of the Motor Vehicles Act,1939. On 18th July 1985, a truck bearing registration No.MHL 7182 loaded with gas cylinders was proceeding from Ahmednagar towards Dhule. The accident took place near Yeola. A tanker bearing registration No.MWN 1750 came from the opposite direction in a very high speed. The allegation of the first Respondent is that the as a result of the rash and negligent driving on the part of the driver of the tanker, the said tanker gave a dash to the truck. The tanker was owned by the Appellant. The first Respondent herein was the Munim of the owner of the truck and was travelling in the truck along with the goods. He sustained injuries in the accident and claimed compensation

of Rs.30,000/-.

2. The Tribunal has recorded a finding that the accident occurred due to negligence on the part of the driver of the Appellant. The compensation of Rs.10,000/- with interest thereon at the rate of 12% p.a. has been awarded by the Tribunal.

3. The Award of the Tribunal has been passed on 10th November 1992 and the Appeal preferred by the State Government against the said Award is coming up for admission 14 years thereafter. In the meanwhile, the Award has been executed. Considering the fact that the Award is of the year 1992 and the amount involved is only of Rs.10,000/- which is granted by way of compensation on account of injuries sustained by the first Respondent, no case is made out for interference.

4. First Appeal is dismissed with no order as to costs.

JUDGE